

**THE HON'BLE SRI JUSTICE B. PRAKASH RAO
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

W.P.NO. 18834 OF 1997

Date: 10.07.2006

Between:

M.V.L. Kameswara Rao and eight others.

... Petitioners.

And

The State of Andhra Pradesh rep.,by its Principal Secretary to
Govt. Education Department, Secretariat, Hyderabad.

... Respondents.

**THE HON'BLE SRI JUSTICE B. PRAKASH RAO
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

W.P.NO. 18834 OF 1997

ORDER: (per Hon'ble Sri Justsice Ramesh Ranganathan)

Seeking to declare the action of the 1st respondent in issuing Act No. 34 of 1995 as arbitrary, a declaration that the petitioners are entitled to the arrears of grant-in-aid, for the period 01.03.1988 to 31.10.1989, and a direction to release payments due to the petitioners for the aforesaid period, the present writ petition is filed.

The petitioners 9 in number are all working as teaching and non-teaching staff in C.B.M. High School, Bheemunipatnam, Visakhapatnam District. The state government issued G.O.Ms.No. 342 dated 31.07.1986 accepting the proposals of the Director of School Education and admitting C.B.H. High School, Bheemunipatnam to grant-in-aid with effect from 01.09.1985 subject to the terms and conditions stipulated therein. From 01.09.1985, all teaching and non-teaching posts in this school were admitted to grant-in-aid and all the petitioners herein were paid salaries by the Government. Their appointment was ratified by the 3rd respondent vide proceedings dated 24.09.1986.

The petitioners had earlier approached this Court in W.P.No. 12486 of 1987 challenging the action of the respondents

in stopping payment of salaries from 1st March 1986 and this Court had directed the respondents to release grant-in-aid to the petitioners from 01.03.1986 to 28.02.1988 and to continue to pay their salaries in future. Since the respondents failed to comply with the orders of this Court, C.C.No. 66 of 1988 was filed and at that stage, when the notice was ordered, the government released the salaries of teaching and non-teaching staff, in G.O.Ms.No. 403 dated 29.03.1988, for a period of 24 months i.e., upto 28.02.1988. Subsequently the state government, on reviewing its earlier decision, retained all the posts in C.B.M. High School, Bheemunipatnam for grant-in-aid and except for the 20 month period i.e., from 01.03.1988 to 31.10.1989, all the staff of the school were paid their salaries and allowances. It is the petitioner's case that they are entitled for salary and allowances for this 20 months period from 01.03.1988 to 31.10.1989.

Sri Abhinand Kumar, learned Counsel appearing on behalf of Sri Nooty Ram Mohan Rao, learned Counsel for the petitioner, would place before this Court an order passed in W.P.No. 32754 of 1997 dated 27.02.2003 wherein identical circumstances, this Court had directed the respondents to make payment of the un-paid salaries for the period from 01.03.1988 to 31.10.1989, to the petitioners therein, within a period of three months.

In accordance with and in terms of the order of this Court in W.P.No. 32754 of 1997 dated 27.02.2003, the respondents shall make payment of the unpaid salaries for the period from 01.03.1988 to 31.10.1989 to the petitioners herein within a period of three months from the date of receipt of a copy of this order.

The writ petition is disposed of. However, in the circumstances, without costs.

J

B. PRAKASH RAO,

Date: 10.07.2006

RAMESH RANGANATHAN, J

MRKR